

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION  
No. 5:00-CR-77-BO  
No. 5:02-CV-726-BO

ISABEL GONZALEZ, )  
 )  
 Petitioner, )  
 )  
 v. )  
 )  
 UNITED STATES OF AMERICA, )  
 )  
 Respondent. )

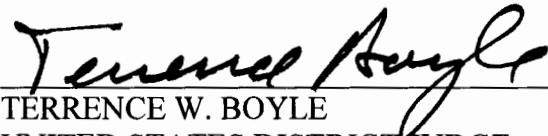
**ORDER**

This cause comes before the Court on remand from the court of appeals following this Court's dismissal of petitioner's motion pursuant to 28 U.S.C. § 2255. The appellate court granted a certificate of appealability on two issues: whether this Court had jurisdiction to reopen its denial of petitioner's 2005 § 2255 motion and whether petitioner's counsel was ineffective in allegedly failing to consult him regarding an appeal. By opinion entered May 6, 2014, the court of appeals held that this Court had jurisdiction to consider petitioner's claims but that it failed to make a finding as to whether trial counsel had counseled petitioner regarding a direct appeal. The court of appeals remanded the matter for the Court to address this remaining allegation. Mandate having issued, this Court is once again with jurisdiction to consider petitioner's claim.

The Court determines that a new evidentiary hearing on petitioner's allegation that his trial counsel was ineffective in allegedly failing to counsel him regarding an appeal is necessary. Petitioner having previously been determined to be indigent, Rule 8(c) of the Rules Governing section 2255 Proceedings requires that the Court appoint counsel to represent petitioner at an evidentiary hearing. *See also United States v. Harris*, 217 F.3d 841 (4th Cir. 2000) (unpublished table decision).

Accordingly, petitioner is hereby APPOINTED attorney Raymond Tarlton as counsel to assist him at the evidentiary hearing. 18 U.S.C. §3006A. The clerk is DIRECTED to serve a copy of this order on petitioner, the government, and Mr. Tarlton. The parties are DIRECTED to brief the remaining issue not later than September 15, 2014, and the hearing will be set by separate notice during the Court's October term.

SO ORDERED, this 21 day of July, 2014.

  
TERRENCE W. BOYLE  
UNITED STATES DISTRICT JUDGE